

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a laxative drug, alcohol, and water, flavored with mint. The alcohol content of two samples was found to be 19.5 and 20.7 percent, respectively, by volume.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Alcohol about 16%", was false and misleading, since the article contained approximately 20 percent by volume of alcohol. Misbranding was alleged for the further reason that the name of the article, "Bon Vino", was false and misleading, since it did not consist of wine; in that the statements on some of the carton labels, "Wine of Chenstohow" and "Wino Czystochowski", were false and misleading, since the product was not made in Chenstohow, Poland, but was manufactured in Buffalo, N. Y.; and for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of alcohol contained in the article, since no statement appeared on the bottle label, and the statement on the carton label, "Alcohol about 16%", was incorrect. Misbranding was alleged for the further reason that the following statements, appearing in the labeling, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (All cartons) "Health Restorer"; (some cartons) "Wine of Chenstohow is helpful for indigestion * * * and regulates the bowels; * * * which is the principle of health"; (bottle label) "Health Restorer An ideal combination of well aged Wine and juices of scientifically selected health giving herbs. * * * Bon Vino Health Restorer aids digestion, * * * regulates the bowels, * * * which is the great principle of health"; (circular) "Better Health Means More Happiness * * * Health Restorer * * * Build up your constitution so that it may defend itself against the ravages of sickness and disease, in order to enjoy life properly. Bon Vino Health Restorer is the ideal combination of well aged Wine and Health Giving Herbs— * * * If you are one of the many unfortunate sufferers * * * there's real help awaiting you in this bottle of Bon Vino Health Restorer. The use of Bon Vino Health Restorer will soon overcome that sleepy, weak and lazy feeling. Its invigorating effect will return your energy and it will help restore your health to its normal state. Bon Vino Health Restorer * * * Its continued use will assist in bringing you good health, and the happiness which results from a healthy condition of the organs of digestion and elimination. * * * Bon Vino Health Restorer * * * Get Rid of the Poisons in your System to Build up Your Body. Your Physician can tell you that few men, women and children are entirely free from constipation. Constipation produces inactivity of the bowels and interferes with the proper blood supply thus delaying elimination of intestinal waste matter which causes a reabsorption of poisons into the body. Your bowels should eliminate at least once a day. Two or three eliminations are more natural and healthful. Use Bon Vino Health Restorer to get rid of the toxins and poisons which interfere with the function of the liver and bowels. After the poisons are cleared away by this gentle means * * *."

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22675. Misbranding of No. 7-A. U. S. v. 142 Packages of No. 7-A. Default decree of destruction. (F. & D. no. 33036. Sample no. 72281-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 3, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 packages of No. 7-A at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about May 23, 1934, by the Fort Dodge Laboratories, Inc., from Fort Dodge, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of copper sulphate and iron sulphate.

It was alleged in the libel that the article was misbranded in that the following statements on the label, regarding its curative or therapeutic effects, were false and fraudulent: "It may be used in connection with treatment for Fowl Cholera, Fowl Typhoid and similar conditions."

On August 25, 1934, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*